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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,385	06/29/2000	Curtis L. Finch III	JOUR 007	7196

7590 07/07/2003  
Garlick & Harrison  
P O Box 670007  
Dallas, TX 75367

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/606,385

Applicant(s)

FINCH III ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 16-18 in Paper No. 3 received May 6, 2003 is acknowledged. It is noted that Applicant cancelled claims 1-15 from Paper No. 3.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

Page 1, the page starting with "Inventors" and ending with the "Certificate of Mailing" portion is improper. Also, the "Title" should be cancelled from either the top of page 1 or page 2 as it is redundant.

Pages 2 and 3 are not complete. Each application listed must include the appropriate serial filing number and jurisdiction filed therein.

Page 15, line 22, "internet" should be – Internet –. Other instances must also be corrected, e.g. page 15, lines 24, 25.

Page 16, line 24, "PCM" is not defined.

Page 27, lines 14-15, "builds an implied page based upon on of several different user created GUI screen pages" is not clear.

Page 28, line 23, "Each" should be – each –.

Page 29, lines 24, and page 30, line 6, "504" is not clear what it is in reference to, the "TKET" or "terminal".

The specification, pages 29-31, does not describe "A, B1, B2, C1, C2" in relationship to FIGURE 5.

The specification, pages 31-34, does not describe "CO 1 . . . . CO 5" in relationship to FIGURE 6.

Page 43, line 22, "T1 or T3" is not defined.

Appropriate correction is required. No new matter may be entered. Applicant is encouraged not to file a substitute specification to address these issues.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the correct numbers in FIGURE 4 as described in the specification, pages 28-29. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, US 5,899,981, in view of PR Newswire article "Leader In Corporate Travel Incentives, HMI, Inc., Launches Online Private Label Incentive Award & Travel Program" dated June 2, 2000.

Taylor discloses a process for processing expense claims comprising a server 12, a memory 28, 30, communication channels 26, 248, a bus entity (see Fig. 5c) and time keeping function (see Fig. 20C).

PR Newswire discloses common knowledge business practice of rewarding compliant employees with an award being granted to the employee when complying with appropriate guidelines, e.g. increasing a company's business performance.

To have provided an employee with an award for complying with specified guidelines for Taylor would have been obvious to one of ordinary skill in the art in view of PR Newswire. Doing such would reward efficient and productive employees with common knowledge employee incentive awards. It is noted that the computer system, e.g. server, memory, communication channels and bus are common knowledge elements extremely well known at the time the filing of the invention.

6. Further pertinent references of interest are listed on the attached PTO-892.

### **37 CFR § 1.105**

7. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

A. Information regarding the technical information, e.g. server, processor, memory, bus, communication channels regarding the web pages for the time keeping apparatus of "journyx.com" that predate Applicant's filing of the present application.

B. The sales promotional materials or correspondence associated with the first offer to sell the time keeping apparatus.

C. Any user manuals, automation guides, sales presentation materials, or product descriptions of ad serving technology offered for sale or sold more than one year prior to the filing date of the present application.

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is 3 months.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808.

The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Handwritten signature of Andrew Joseph Rudy.